



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Hedy L. Chang, Council Member
Cynthia J. Cook Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Greg Sellers, Vice-Chairperson
Hedy L. Chang, Agency Member
Cynthia J. Cook, Agency Member
Steve Tate, Agency Member

WEDNESDAY, DECEMBER 6, 2000

AGENDA

JOINT MEETING

CITY COUNCIL MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

PRESENTATION

Valley Transportation Agency (VTA)
Valley Transportation Plan, VTP 2020 Plan

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

(Corrected page 2)

City Council Action:

OTHER BUSINESS:

- | | | |
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| 1. | 5 minutes | <u>NOVEMBER 7, 2000 GENERAL MUNICIPAL ELECTION - CERTIFIED
STATEMENT OF ELECTION RESULTS</u> 1
<u>Recommended Action:</u> <u>Adopt</u> a Resolution Reciting the Facts of the General
Municipal Election of November 7, 2000. |
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City Council and Redevelopment Agency Action

OTHER BUSINESS:

- | | Time
Estimate | | Page |
|----|------------------|---|------|
| 2. | 10 minutes | <u>SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND
REDEVELOPMENT AGENCY VICE-CHAIR</u> 3
<u>Recommended Action:</u>
<i>City Council:</i>
1. <u>Open Floor</u> to Nomination(s) for Mayor Pro Tempore, and
2. <u>Select</u> Council Member to Serve as Mayor Pro Tempore Per City
Council Policy.

<i>Redevelopment Agency:</i>
1. <u>Open Floor</u> to Nominations for Vice-chair, and
2. <u>Select</u> Agency Member to Serve as Vice-chair Per Redevelopment
Agency Bylaws. | 3 |

PRESENTATION

Council Member Cynthia J. Cook
(Mayor Kennedy)

OATHS OF OFFICE

(Per Certified Election Results - City Clerk Torrez)

ADJOURN TO RECEPTION

(Lobby)

CITY COUNCIL REPORT

Council/Agency Member Chang

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #3 through #8 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time	Page
Estimate	
Consent Calendar: 1 - 10 Minutes	
3. <u>AMICUS REQUEST FROM CITY OF COTATI REGARDING MOBILE HOME RENT ORDINANCE CASE</u> 7 <u>Recommended Action:</u> <u>Authorize</u> the City Attorney to Join the League of California Cities in Support of the Amicus Brief to Be Filed with the Ninth Circuit Court of Appeal on Behalf of the City of Cotati in <u>Cashman V. City of Cotati</u> .	
4. <u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2000 QUARTERLY REPORT NO. 4</u> 9 <u>Recommended Action:</u> <u>Accept</u> the Report by Minute Action.	
5. <u>RESOLUTION AMENDING THE RECORDS RETENTION SCHEDULE FOR CITY OF MORGAN HILL</u> 25 <u>Recommended Action:</u> <u>Adopt</u> Resolution No. 5440, Amending the City's Record Retention Schedule.	
6. <u>ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) REGIONAL HOUSING NEEDS ALLOCATIONS</u> 37 <u>Recommended Action:</u> <u>Take No Action</u> Regarding Regional Housing Needs Allocations for Morgan Hill.	

7. **SOLID WASTE DIVERSION PROGRAM** 45
Recommended Action: **Approve** Resolution No. 5441 Authorizing the City Manager to Execute the Seventh Amendment to the Solid Waste Franchise Agreement.
8. **PERFORMANCE AUDIT OF SOUTH VALLEY DISPOSAL AND RECYCLING** 53
Recommended Action: **Receive and File** the Performance Audit.

PUBLIC HEARINGS:

	Time Estimate		Page
9.	30 minutes	<u>GENERAL PLAN AMENDMENT, GPA-00-03: MONTEREY - SOUTH COUNTY HOUSING</u> <u>Recommended Action:</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Adopt</u> Resolution No. 5442, Denying the General Plan Amendment; OR Should the Council Wish to Approve the General Plan Amendment: Action- <u>Motion to Approve</u> the Mitigated Negative Declaration. Action - <u>Motion to Adopt</u> Either Resolution B (Multi-Family Medium); OR Action - <u>Motion to Adopt</u> Resolution C (Mixed-Use/Multi-Family Low).	59
10.	20 minutes	<u>DEVELOPMENT AGREEMENT APPLICATION DA-00-02: MORGAN HILL RANCH BUSINESS PARK</u> <u>Recommended Action:</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1496, N.S. Approving the Development Agreement; <u>Motion to Introduce</u> the Ordinance by Title Only.	91
11.	20 minutes	<u>DEVELOPMENT AGREEMENT APPLICATION DA-99-06: MONTEREY - TBI/GOMES (MADRONE BUSINESS PARK)</u> <u>Recommended Action:</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1497, N.S. Approving the Development Agreement; <u>Motion to Introduce</u> the Ordinance by Title Only.	137

12. 10 minutes **DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA 99-01: MISSION VIEW - MISSION RANCH** 185
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action- Motion to Waive the Reading in Full of Ordinance No. 1498, N.S. Approving the Development Agreement;
Motion to Introduce the Ordinance by Title Only.
13. 10 minutes **ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS ZA 00-08/DA 00-04: E. DUNNE - FIRST COMMUNITY HOUSING** 195
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - Motion to Approve Mitigated Negative Declaration.
Action- Motion to Waive the Reading in Full of Ordinance No. 1499, N.S. Approving the Residential Planned Development (RPD).
Motion to Introduce the RPD Ordinance by Title Only.
Action- Motion to Waive the Reading in Full of Ordinance No. 1500, N.S. Approving the Development Agreement (DA).
Motion to Introduce the DA Ordinance by Title Only.
14. 10 minutes **RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY FIRE MARSHAL TO ABATE WEEDS** 235
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - Motion to Adopt Resolution No. 5443 Authorizing the Santa Clara County Fire Marshal to Abate Weeds.
15. 30 minutes **APPEAL OF COMMUNITY DEVELOPMENT DEPARTMENT FINDING OF INCONSISTENCY WITH THE ZONING ORDINANCE AND REJECTION OF MEASURE P APPLICATION MP 00-20: TILTON AVE.- GLENROCK/SHEA** 263
Recommended Action: Request staff presentation
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - Motion to Adopt Resolution No. 5444 Denying the Appeal. Should the City Council Wish to Grant the Appeal, a Resolution with Findings Will be Brought Back for Approval at the Next Regular City Council Meeting.

16.	10 minutes	<u>REPEAL AND RE-ADOPTION OF CHAPTER 15.44 OF THE MUNICIPAL CODE AND ARTICLE XI OF CHAPTER 8.40 REGARDING THE FIRE PREVENTION CODE AND REGULATION OF TOXIC GASES, RESPECTIVELY</u> 273 Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Adopt</u> in Full Ordinance No. 1494, N.S. Repealing Chapters 15.44 and Article XI of Chapter 8 and Re-adopting Chapter 15.44 and Article XI of Chapter 8 of the Municipal Code.
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OTHER BUSINESS:

	Time Estimate		Page
17.	15 minutes	<u>REQUEST FOR EXTENSION FROM THE BLUE RIBBON TASK FORCE</u> 317 Recommended Action: <u>Consider</u> Request for Extension from the Blue Ribbon Task Force (BRTF) to Prepare Its Report on Medical Services to the Community.	
18.	15 minutes	<u>STATUS OF SAN JOSE APPROVALS OF THE CISCO PROJECT IN NORTH COYOTE VALLEY AND REVIEW OF PROJECT MITIGATION MEASURES</u> 321 Recommended Action: <u>Council Discretion.</u>	
19.	10 minutes	<u>MEMORANDUM OF UNDERSTANDING FOR PROVISION OF SERVICES TO SOBRATO HIGH SCHOOL</u> 397 Recommended Action: <u>Direct</u> City Manager to Execute Memorandum on Behalf of the City Council.	
20.	2 minutes	<u>AGREEMENT TO PARTICIPATE IN LOCAL CALIFORNIA IDENTIFICATION (CAL-ID) SYSTEM</u> 409 Recommended Action: 1. <u>Authorize</u> the City Manager to Sign the Amended and Restated Agreement to Provide Local Agency Access to California Identification System, and 2. <u>Authorize</u> Payment of \$21,237.00 as Morgan Hill's Contribution to the Santa Clara County CAL-ID RAN Policy Board.	

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

21.	1 minute	<u>ADOPT ORDINANCE NO. 1492, NEW SERIES</u> 425 An Ordinance of the City Council of the City of Morgan Hill Amending Section 2.4 of Chapter 13.20 of the City of Morgan Hill Municipal Code Regarding Local Limits of Pretreatment and Sewer Use Ordinance.
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22. 1 minute **ADOPT ORDINANCE NO. 1493, NEW SERIES** 431
An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement with T.K. Singh for a 4-lot Subdivision Which Was Awarded Allocations Through the Residential Development Control System for FY 1999-2000 (One Unit) and FY 2000-01 (Three Units) (APN 764-23-054) (Application DA-00-08: Berkshire-Singh)

Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #23 through #24 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

23. **COMMUNITY THEATER ARCHITECT SELECTION** 455
Recommended Action: **Authorize** the Executive Director to Negotiate and Execute a Contract with ELS Architecture and Urban Design for a Feasibility Study/Development of a Concept Design for the Relocation and Rehabilitation of Temple Emmanuel for a Community Theater, in an Amount Not to Exceed \$44,000.
24. **HOME IMPROVEMENT LOAN FOR 205 WARREN AVENUE** 461
Recommended Action:
1. **Approve** an Additional \$20,000 Home Improvement Loan Under the Agency's Housing Rehabilitation Loan Program to Robert and Susan Kerr, and
2. **Direct** the Executive Director to Do Everything Necessary to Prepare and Execute Loan Documents or Amend Existing Documents.

OTHER BUSINESS:

Time

Estimate

Page

25. 10 minutes **SOUTH COUNTY HOUSING'S CHURCH STREET HOUSING PROJECT** 463
Recommended Action: **Adopt** Resolution No. MHRA-228:
1. **Approving** a Loan of Up to \$1.9 Million to South County Housing (SCH) to Develop the Church Street Housing Project, including the Consolidation of This Loan with the Existing \$1.35 Million Loan,
2. **Authorizing** the Executive Director to Do Everything Necessary to Use Up to \$1,000,000 of the Agency's California Housing finance Agency's (CHFA) Funds for This Project,
3. **Authorizing** the Executive Director to Prepare, Negotiate and Execute Loan Documents; and

4. **Authorizing** the Executive Director to Do Everything Necessary to Appropriate \$1.2 Million from the 20% Housing Set-Aside Fund Balance.

26. 30 minutes **ANALYSIS OF TOP THREE SITES FOR LIBRARY SITE SELECTION AND PROP. 14 PROCESS** 475
Recommended Action:
1. **Select** a Site for Environmental Review of the Proposed Library Facility, and
 2. **Approve** Recommendations for Appointment to the Library Building Committee.

City Council & Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

27. **APPROVAL OF CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MINUTES OF NOVEMBER 15, 2000** 499

City Council & Redevelopment Action

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic: Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic: Potential Litigation

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: 10.0, 18.90, and 0.05 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APNs 817-13-01 & 017 and 033)
City/Agency Negotiators: City Manager/Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
Closed Session Topic: Acquisition of Real Property

4.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Property: APN 779-04-010; 14465 Monterey Road; 29.2 acres
Negotiating Parties:
For City: City Manager; Public Works Director
For Property Owners: William Sing and Young Kay Mock; The GFI Company
Under Negotiation: Price and Terms of Payment

5.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Property: APN 817-13-001; 37.8 acres (Soccer Complex)
Negotiating Parties:
For City: City Manager; Public Works Director
For Property Owners: Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation: Price and Terms of Payment

6.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATIONS & CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8 & 54946.9(c)
Property: APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)
Negotiating Parties:
For City: City Manager; Public Works Director
For Property Owners: Costa Family Partners
Under Negotiation: Price and Terms of Payment

7.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: A 8.49 acre parcel located on West Edmundson Avenue, east of Community Park (APN 767-18-025)
City/Agency Negotiators: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
Closed Session Topic: Acquisition of Real Property

8.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	An 8.25 acre parcel located on Diana Avenue, west of the Future Butterfield Boulevard extension (APN 726-12-006)
Negotiators:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Kontrabecki Associates (or appropriate owner)
Closed Session Topic:	Acquisition of Real Property

9.

CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of Case:	City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill, and South San Jose Interests; Santa Clara County Superior Court
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ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT